

Detail by Officer/Registered Agent Name

Florida Limited Liability Company

LABTECH ASSOCIATES OF MIAMI, FL, LLC

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ADMIN DISSOLUTION FOR ANNUAL REPORT

Event Date Filed

09/25/2009

Event Effective Date NONE

Principal Address

2125 N.W. 124 ST. **MIAMI FL 33167**

Mailing Address

2125 N.W. 124 ST. **MIAMI FL 33167**

Registered Agent Name & Address

MEGIE, JONATHAN 2125 N.W. 124 ST. MIAMI FL 33167 US

Manager/Member Detail

Name & Address

Title MGR

MEGIE, JONATHAN 2125 N.W. 124 ST. **MIAMI FL 33167**

Annual Reports

Report Year Filed Date

2006 04/24/2006 2007 04/23/2007

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JONATHAN MICHAEL MEGIE

SSN: 594-40-xxxx

Age: 33

DOB: 12/06/1977

Possible Names Used by Subject:

JONATHAN MICHAEL MEGIE JONATHAN M MEGIE JONATHAN MEGIE JOHNATHAN M MEGIE JOHNATAN MICHAEL MEGIE JONATHAN MEMEGIE

Addresses Associated with the Subject:

Address

2125 NORTWEST 124TH ST, MIAMI FL, 33167 759 BASIN ST APT12, TALLAHASSEE FL, 32304 71329 FLORIDA A M UNI, TALLAHASSEE FL, 32307 630 VIRGINIA ST APT219, TALLAHASSEE FL, 32304 1000 HILLVIEW CT APT, MILPITAS CA, 95035 11015 22ND CT, MIAMI FL, 33167 PO BOX 5321, TALLAHASSEE FL, 32314 2125 124TH ST, MIAMI FL, 33167

523 TENNESSEE ST, TALLAHASSEE FL, 32308 4605 191ST ST #HM, MIAMI GARDENS FL, 33055 950 EDGEHILL CIR APT123, TALLAHASSEE FL, 32303 17331 33RD CT, MIAMI GARDENS FL, 33056 720 FAIRBANKS FERRY RD, TALLAHASSEE FL, 32312 3113 GALLIMORE DR, TALLAHASSEE FL, 32305 5321, TALLAHASSEE FL, 32314.

Possible Dates

12/2009-01/12/2009 02/2004-01/09/2005 09/1999-01/06/2001 12/1999-01/05/2003 05/2010-01/04/2011 02/2006-01/03/2007 03/2009-01/03/2009 05/1996-01/07/2010 08/2010-01/09/2010

06/2005-01/08/2010 09/2003-01/09/2003 03/2009-01/03/2009

04/1998-01/12/2002 06/2010-01/06/2010

03/2009-01/03/2009

Phone Number



People Finder - Historic Tracker Record

Source Information

Information Current Through:03/31/2011Database Last Updated:04/13/2011Update Frequency:MONTHLYCurrent Date:05/04/2011

Source: TRANS UNION

Individual Information

Name: MEGIE, JONATHAN
Also Known As: MEGIE, JONATHAN M

Date of Birth: 12/1977 **On File Since:** 04/01/1998

Last Known Address Information

Current Address: 4605 NW 191ST ST

MIAMI GARDENS, FL 33055-2115

Address First Reported: 04/01/1998

Other Address Information

Previous Address: 2125 NW 124TH ST

MIAMI, FL 33167-2033

Address First Reported: 07/18/2001

END OF DOCUMENT

Westlaw Delivery Summary Report for LEVINSON, JEREMY

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Lines: 3
Documents: 1
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People Finder - Historic Tracker Record

Source Information

Information Current Through:

03/31/2011

Database Last Updated:

04/13/2011

Update Frequency:

MONTHLY

Current Date:

05/04/2011

Source:

TRANS UNION

Individual Information

Name:

MEGIE, JONATHAN M

Also Known As:

MEGIE, JONATHAN

SSN:

594-40-XXXX

Date of Birth:

12/1977

On File Since:

02/01/1998

Last Known Address Information

Current Address:

630 W VIRGINIA ST 219

TALLAHASSEE, FL 32304-7984

Address First Reported:

12/01/1999

Other Address Information

Previous Address:

2125 NW 124TH ST

MIAMI, FL 33167-2033

Address First Reported:

07/18/2001

Previous Address:

746 W MAIN ST 109

MADISON, WI 53715-1466

Address First Reported:

11/13/2000

Previous Address:

2201 POST RD 208

FITCHBURG, WI 53713-4314

Address First Reported: 05/01/1998

END OF DOCUMENT

District Court, City and County of Denver, State of Colorado 1437 Bannock Street, Room 256

Denver, Colorado 80202

Plaintiff:

DONNA R. JOHNSON

٧.

Defendants:

BERNIE BUESCHER, in his official capacity as Secretary of State for the State of Colorado

and

LINDA GORMAN and JON CALDARA, as designated representatives of the proponents of

Initiative 2009-2010 #45

Attorneys for Plaintiff:

Mark G. Grueskin

Isaacson Rosenbaum P.C. 1001 17th Street, Suite 1800

Denver, Colorado 80202

Phone Number: (303) 292-5656 FAX Number: (303) 292-3152 E-mail: mgrueskin@ir-law.com

Atty. Reg. #: 14621

▲ COURT USE ONLY ▲

Case Number: 2010cv7624

Division/Courtroom: 6

VERIFIED COMPLAINT FOR A FORTHWITH ORDER, PURSUANT TO C.R.S. §§ 1-40-118 and 1-1-113, AND FOR APPROPRIATE DECLARATORY AND OTHER RELIEF

Plaintiff, Donna R. Johnson, by and through her undersigned counsel, for its Verified Complaint against Defendant Bernie Buescher, in his official capacity as Secretary of State for the State of Colorado, and Linda Gorman and Jon Caldara as the statutory representatives of the petition signers on petitions relating to Initiative 2009-2010 #45 (Amendment 63), states and alleges as follows:

INTRODUCTION

Pursuant to C.R.S. §§ 1-40-118 and 1-1-113, as well as C.R.S. § 13-51-101, et seq., Plaintiff brings this action against the Secretary of State of Colorado because the Secretary has verified petitions in connection with Initiative 2009-2010 #45 (now referred to as Amendment 63) even though circulators of those petitions knowingly completed their circulator affidavits, representing addresses as the places where they "resided," when in truth, they did not "reside" in Colorado or at those addresses. Plaintiff does not claim here that circulators must be residents of the State in order to circulate petitions — only that circulators must truthfully complete the affidavit in all respects in order for it to be valid and to be accepted by the Secretary of State when he conducts an examination of petitions through a random sample of signatures. This truth-telling must include the statement of where the person resides, even if that residence is out of state.

This lawsuit seeks a forthwith order and/or declaratory relief that, in this regard, the Secretary is an election official who accepted unlawfully certified signatures on petitions submitted for a ballot measure on the 2010 general election. As this measure has been placed on the ballot, Plaintiff seeks the relief in the form of requiring the Secretary to conduct a line-by-line review of signatures and enjoining the Secretary from counting votes on this initiative as it has been improperly certified to the 2010 ballot because of errors in the conclusions regarding the validity of certain petitions, which conclusions are drawn from the Secretary's random sample of petition signatures.

THE PARTIES

- 1. Plaintiff Donna Johnson is a registered elector in Jefferson County in the State of Colorado whose rights, status, and legal relations will be affected by ballot measures on the November, 2010 general election ballot, and she is thus eligible to initiate this action under C.R.S. §§ 1-40-118(1), 1-1-113(1), and 13-51-106.
- 2. Defendant Bernie Buescher ("Secretary") serves as the Secretary of State for the State of Colorado, pursuant to Article IV of the Colorado Constitution. By virtue of C.R.S. § 1-40-117, the Secretary's office reviews petitions for sufficiency of the petitions submitted in meeting the signature requirement set forth in the Colorado Constitution. The Secretary's offices are located in Denver County.
- 3. Defendant Linda Gorman is a registered elector of the State of Colorado and a designated representative of the proponents of Initiative 2009-2010 #45.
- 4. Defendant Jon Caldara is a registered elector of the State of Colorado and a designated representative of the proponents of Initiative 2009-2010 #45.

VENUE AND JURISDICTION

- 5. Venue is proper under C.R.C.P. 98(b)(2) in that this action is against public officers while holding office within this county.
- 6. By virtue of Article VI, Section 9 of the Colorado Constitution, C.R.S. §§ 1-40-118 and 1-1-113, and C.R.S. § 13-5-105, as well as Colo.R.Civ.P. 57 and 65, this Court has jurisdiction of the parties and the subject matter of this action.

FACTUAL BACKGROUND

- 7. The allegations set forth above are incorporated herein by this reference.
- 8. For the 2010 general election, the designated representatives of a statewide initiative must submit petitions with at least 76,047 valid signatures of voters registered in Colorado in order to qualify their measures for the ballot, which number represents five percent (5%) of the total votes cast for the office of secretary of state at the previous election. Colo. Const., art. V, sec. 1(2).
- 9. The person who circulates a petition section ("circulator") must attach a signed, dated, and notarized affidavit which includes his or her printed name, "the address at which he or she resides, including the street name and number, the city or town, the county" and the date he or she signed the affidavit. C.R.S. § 1-40-111(2)(a). The affidavit form also includes an attestation that the circulator is a resident of the state of Colorado. *Id*.
- 10. Initiative petitions are submitted to the Secretary who reviews them for sufficiency. He first conducts a random sample of signatures. If that sample indicates at least 110% of the required number of signatures, the measure is deemed sufficient. If that sample indicates between 90% and 110% sufficiency, the Secretary is to conduct a line-by-line review of signatures to determine sufficiency. If that random sample indicates less than 90% of the required number of signatures, the petition is insufficient. C.R.S. § 1-40-116.
- 11. The Secretary "shall reject any section of a petition that does not have attached thereto a valid notarized affidavit that complies with all of the requirements set forth in paragraphs (a) and (b) of this subsection 2." C.R.S. § 1-40-111(2)(c).
- 12. Circulator fraud includes but is not limited to the use of a false address to represent one's residence. C.R.S. § 1-40-111(3)(a)(III).
- 13. One purpose of requiring an actual residence address in the circulator's affidavit is to allow for timely investigation of circulators' who may have committed fraud, abuse, or mistake in the initiative petitioning process.

- 14. A person "resides" at one's principal or primary home or place of abode, the place in which a person's habitation is fixed and to which a person, whenever he or she is absent, has the present intention of returning. No business address can be considered to be a "residence." C.R.S. § 1-2-102(1)(a)(I).
- 15. On August 26, 2010, the Secretary announced his sufficiency determination in connection with petitions submitted on behalf of Initiative 2009-2010 #45.
- 16. The Secretary reviewed 6,752 signatures by means of a random sample, accepting 4,980 and rejecting 1,772 of these signatures. That figure represents a validity rate of approximately 73.8% of the random sample. Applied to the total number of signatures filed in the Secretary's office (135,029), the Secretary concluded that the petitions contained 99,600 valid signatures. That acceptance percentage was sufficient to lead him to believe that the petition as a whole contained sufficient signatures, and he certified the matter to the ballot as Amendment 63. *Id.*
- 17. Of the 4,980 accepted signatures, however, no fewer than 1,326 signatures were obtained by approximately 51 circulators who purposefully misstated their residential address by giving business addresses, representing they did "reside" at temporary stay facilities where they did not actually "reside" but where they may have slept during some or all of the time period when they collected signatures for a few weeks in the summer of 2010. To a person, each one of them immediately abandoned these non-residences when this petitioning effort was over. Approximately seven of these circulators stayed at multiple commercial establishments in different parts of the state during the period of petition circulation. See Exhibit A (attached).
- 18. Of the 4,980 accepted signatures, approximately 392 were obtained by out-of-state circulators who provided what appear to be correctly stated, residential addresses in other states. Some of these circulators also struck the statement in the circulator's affidavit that he or she was a resident of the State of Colorado. None of these signatures is known to be a purposefully misstated residential address or is otherwise placed at issue in this action.
- 19. Subtracting the signatures attributable to circulators who are now known to have misrepresented their residential address on circulator affidavits results in a finding of only 3,654 sufficient signatures in the random sample. That figure represents a validity rate of 54.12% of the entire sample. Applied to the total number of signatures submitted to the Secretary's office (135,029), the petitions contained only 73,074 valid signatures, or approximately 2,973 signatures fewer than the law requires. Using this figure, the petitions submitted contain about 96.1% of the valid signatures required by the Colorado Constitution (73,074 ÷ 76,047).
- 20. When the signatures deemed sufficient by the Secretary is greater than 90% but less than 110% of the number required by law, the Secretary must conduct a line-by-line review of all signatures on the petition. C.R.S. §§ 1-40-116(4). The Secretary did not engage in such a review.

- 21. If the Secretary cannot know that there are at least 100% of the required signatures on a petition, he is not authorized to place an initiative on the ballot.
- 22. On information and belief, the general election ballots in all counties have been certified and printed, mail balloting begins on or about October 11, 2010, and early voting begins on or about October 18, 2010.
- 23. The Colorado General Assembly is empowered to enact general legislation regarding the Secretary's actions in submitting initiatives to voters for adoption or rejection at the polls. Colo. Const., art. V, sec. 1(7).
- 24. The Secretary, as the person charged with administering and enforcing the election laws of Colorado, including those dealing with statewide ballot issues, is prohibited from engaging in any conduct that has or will violate any election-related duties. C.R.S. §§ 1-1-107(1)(b), -113(1); see generally § 1-13-107. Certifying a matter to the general election ballot that lacks the required number of legally valid signatures is such conduct.
- 25. The Secretary is not authorized to certify to the ballot any initiative, the petitions for which do not contain a sufficient number of legally valid signatures, whether such insufficiency arises because of the signatures, the information required of the signers, the manner of petition circulation, or the verification required of the petition circulators. The Secretary thus erroneously certified Initiative 2009-2010 #45 to the ballot.
- 26. Because the underlying petitions lacked a sufficient number of legally valid signatures due to the misrepresentations of certain circulators, and the Secretary has not yet conducted a line-by-line review of signatures even though the number of valid signatures is between 90% and 110% of the required number, Initiative 2009-2010 #45 (Amendment 63) was not a measure that met the constitutional signature requirements for an initiative and thus cannot be voted upon with any legal effect at the upcoming general election.
- 27. Pursuant to C.R.S. § 1-1-113(1), this Court is authorized to "require the person charged to forthwith perform the duty or to desist from the wrongful act or to forthwith show cause why the order should not be obeyed."
- 28. Pursuant to C.R.S. § 1-40-118(2)(b), a protest may be filed within thirty days of the Secretary's announcement of sufficiency and may attack that decision on grounds that "shall include, but are not limited to" fraud or a violation of any law that is enacted to prevent fraud, abuse, or mistake in the petition process.

FIRST CLAIM FOR RELIEF

(Falsely Sworn Affidavits Concerning the Place Where Certain Petition Circulators "Reside" Is Fraud, Invalidating Signatures That Were Counted as Valid in the Random Sample)

- 29. The allegations set forth above are incorporated herein by this reference.
- 30. Approximately 1,326 entries in the random sample were collected by approximately 51 circulators who knowingly misrepresented the place where he or she actually resides. The list of improperly accepted entries, challenged by means of this action because of circulator misrepresentation in their sworn affidavits, is attached as **Exhibit B**, hereto.
- 31. A knowing misrepresentation of the place of one's "residence" comprises an act of fraud, in violation of C.R.S. § 1-40-118(5)(a).
- 32. Signatures, contained on petitions in support of Initiative 2009-2010 #45 that were circulated by all circulators who misrepresented their place of residence, were counted by the Secretary as valid in the random sample but are actually invalid because of the fraud committed by circulators on their affidavits and thus cannot be counted toward the constitutionally required number of signatures for an initiative petition in 2010.

SECOND CLAIM FOR RELIEF

(Falsely Sworn Affidavits Concerning the Place Where Certain Petition Circulators "Reside" Violates Statutory Requirements That Prevent Fraud, Abuse, or Mistake in the Petition Process, Invalidating Signatures That Were Counted as Valid in the Random Sample)

- 33. The allegations set forth above are incorporated herein by this reference.
- 34. A knowing misrepresentation of the place of one's "residence" does not reflect substantial compliance with, and in fact violates, statutory provisions that were enacted to prevent fraud, abuse, or mistake in the petition process, contrary to C.R.S. § 1-40-118(5)(b).
- 35. Signatures, contained on petitions in support of Initiative 2009-2010 #45 that were circulated by all circulators who misrepresented their place of residence, were counted by the Secretary as valid in the random sample but are actually invalid because such practice violates statutory provisions that address fraud, abuse, or mistake in the petition process and thus cannot be counted toward the constitutionally required number of signatures for an initiative petition in 2010.

THIRD CLAIM FOR RELIEF

(Falsely Sworn Affidavits Concerning the Place Where Certain Petition Circulators "Reside" Violates the Requirements for Valid Circulator Affidavits, Invalidating Signatures That Were Counted as Valid in the Random Sample)

- 36. The allegations set forth above are incorporated herein by this reference.
- 37. A knowing misrepresentation of the place of one's "residence" does not substantially comply with the requirement that the completed circulator's affidavit fulfill the statutory mandates pertaining to petition affidavits and thus violates C.R.S. § 1-40-111(2)(c).
- 38. Signatures, contained on petitions in support of Initiative 2009-2010 #45 that were circulated by all circulators who misrepresented their place of residence, were counted by the Secretary as valid in the random sample but are actually invalid for failure to substantially comply with the requirements pertaining to circulator affidavits and thus cannot be counted toward the constitutionally required number of signatures for an initiative petition in 2010.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests the following relief:

- (a) A declaration that signatures collected by persons who misrepresented the place where they "reside" are invalid as: (i) fraud; (ii) a material departure from statutes that prevent fraud, abuse or mistake in the petition process; and/or (iii) noncompliance with the requirements for a lawfully executed circulator's affidavit;
- (b) An order mandating the Secretary to conduct a line-by-line review of signatures and conditioning certification of this initiative to the 2012 ballot a final determination that the signatures are sufficient in number to meet the constitutionally required minimum;
- (c) Enjoining Buescher from tallying ballots or certifying election results on Amendment 63 or from announcing that said measure was deemed adopted or rejected by the voters at the 2010 general election;
- (d) Declaratory relief, in the event that any election official reporting to Buescher or Buescher himself counts the number of ballots cast on Amendment 63, that the certifications of such vote tallies are, as a matter of law, invalid; and
- (e) Such other relief that is provided by law and the Court deems appropriate.

Respectfully submitted this 24th day of September, 2010.

ISAACSON ROSENBAUM P.C.

Original duly siffned and on file for feview

By: s/Mark G. Grueskin

Mark G. Grueskin

Attorneys for the plaintiff

Address of Plaintiff: 9280 Yarrow Street Westminster CO, 80021

Pursuant to C.R.C.P. 121, § 1-26(9), a printed copy of this document with original signatures shall be maintained by the filing party and made available for inspection by other parties or the court upon request.

VERIFICATION

The undersigned, Donna R. Johnson, being first duly sworn upon oath, states that I have read the VERIFIED COMPLAINT FOR A FORTHWITH ORDER, PURSUANT TO C.R.S. §§ 1-40-118 and 1-1-113, AND FOR APPROPRIATE DECLARATORY AND OTHER RELIEF filed in this civil action, and verify that the allegations contained therein are true and correct to the best of my information, knowledge, and belief.

Donna R. Johnson Johnson

Subscribed and sworn to before me, a Notary Public, the Add day of September, 2010.

WITNESS MY HAND AND OFFICIAL SEAL.

My Commission Expires 12-08-2010

My commission expires

EXHIBIT A

Circulator Name	Circulator Address	Circulator City, State	Circulator Zip
Adams, John	725 Cimarron St	Colorado Springs, Co	80905
Amend, Mike	Rocky Mtn Nat Prk	Estes Park, Co	80517
Asmuth, Hiram H	3836 e Mulberry St	Ft Collins, Co	80524
Ayala, Carla R	3270 n Chestnut #116	Colorado Springs, Co	80907
Barroga, Jana	1200 Oakridge Dr	Ft Collins, Co	80525
Blackwell, Stephanie	14095 e Evans Ave #357	Aurora, Co	80014
Boyd, Linda .	3612 W Colorado Ave	Colorado Springs, Co	80904
Campbell, Ledla L	2221 S Havana St	Aurora, Co	80014
Clemons, Leslie Howell	14090 E Evans Ave	Aurora, Co	80014
Darden Jr, Duane Edward	1443 Oneida St	Denver, Co	80220
Dominick, David	5888 n Broadway	Denver, co	80126
Ellis, Robert L	2221 S Havana St	Aurora, Co	80014
Fincher, Gary	2221 S Havana St #208	Aurora, Co	80014
Frazier Jr, Albert Lee	7150 w Colfax Ave #239	Lakewood, Co	80214
Gentry, Edward	9253 E Costilla Ave #237	Greenwood Village, Co	80112
Glenn, Thomas	3612 W Colorado Ave #19	Colorado Springs, Co	80904
Harrington, Dustin	1605 E Main St	Montrose, Co	81401
Harrington, Dustin	718 Horizon Dr	Grand Junction, Co	81506
Harrington, Jason	1605 E Main St	Montrose, Co	81401
Harrington, Jason	718 Horizon Dr	Grand Junction, Co	81506
Harrington, Sean K	718 Horizon Dr	Grand Junction, Co	81506
Harrington, Sean K	1605 e Main St	Montrose, Co	81401
Harwell, Jane	3612 w Colorado Av	Colorado Springs, Co	80904
Jacobs, Andrew	3836 e Mulberry St #111	Ft Collins, Co	80524
Jemison, Justin	4703 N Freeway #125	Pueblo, Co	81008
Klepacki, Mark	5888 n Broadway #103	Denver, co	80216
Klepacki, Ruth Victoria	5888 n Broadway #103	Denver, co	80216
Latham, Joseph A	4475 s Broadway	Englewood, Co	80110
Latham, Joseph A	12033 e 38th ave	Denver, co	80239
Lewis, Rebecca	3612 w Colorado Ave	Colorado Springs, Co	80904
Louro, John	4500 E Evans Ave #9	Denver, Co	80222
Megie, Jonathan	3612 w Colorado	Colorado Springs, Co	80904
Miller, Brian	BLM Campsite #4	Denver, co	81637
Minardi, Ryan	3270 n Chestnut #116	Colorado Springs, Co	80907
Minardi, Ryan	4703 N Freeway #125	Pueblo, Co	81008
Minardi, Ryan	4651 n Elizabeth St #131	Pueblo, Co	81008
Mino, Andrew C	14090 e Evans Ave #301	Aurora, Co	80014
Moeller, Lisa D	14090 E Evans Ave #131	Aurora, Co	80014
Morales, Jacqueline	3612 W Colorado Ave	Colorado Springs, Co	80904
Nelson, Andrew	12033 e 38th ave	Denver, co	80239
Perez, Christopher	14095 E Evans Ave #357	Aurora, Co	80014
Pilzer, Douglas	4500 E Evans Ave #25	Denver, Co	80222

Circulator Name	Circulator Address	Circulator City, State	Circulator Zip
Raese, Thomas	14090 E Evans #306	Aurora, Co	80014
Rice, Michael D	8000 E Peakview Ave #224	Greenwood Village, Co	80111
Rodzik, Dennis	8280 Hwy 83	Colorado Springs, Co	80920
Rush Jr, Ben	14090 e Evans Ave	Aurora, Co	80014
Russ, Estavis	14090 e Evans	Aurora, Co	80014
Russ, Jr, Etavis	14090 e Evans Ave	Aurora, Co	80014
Schott, Kevin	3612 w Colorado Ave	Colorado Springs, Co	80904
Selley II, Dan J	14090 E Evans Ave	Aurora, Co	80014
Snipes, Dan	3920 N Nevada Ave #26	Colorado Springs, Co	80907
Strength, Damien	3836 e Mulberry St	Ft Collins, Co	80524
Sutton, Katle	3836 e Mulberry St #111	Ft Collins, Co	80524
Thornton, Russell	14095 E Evans Ave #357	Aurora, Co	80014
Vamos, Israel	725 Cimarron St	Colorado Springs, Co	80905
Vamos, Israel	1201 S Nevada	Colorado Springs, Co	80903
Warrington, Wayne Scott	3612 w Colorado Ave	Colorado Springs, Co	80904
White, Jeremy	13941 e Harvard #161	Aurora, Co	80014
Whitfield, Deborah	9253 E Costilla Ave #237	Greenwood Village, Co	80112